

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAWRENCE COLEMAN,

Plaintiff,

-against-

TOWN OF HEMPSTEAD, and TOWN OF HEMPSTEAD
SANITATION DEPARTMENT,

Defendants.
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**CV-16-3462
(SIL)**

**DECLARATION OF DONNA
A. NAPOLITANO IN
FURTHER SUPPORT OF
DEFENDANTS' MOTION IN
LIMINE**

DONNA A. NAPOLITANO, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, as follows:

1. The undersigned is a Partner in the firm Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., and Counsel to the Defendants, Town of Hempstead and Town of Hempstead Sanitation Department ("Defendants") in the above captioned action, and as such, is fully familiar with the facts and circumstances set forth herein.

2. This Declaration and the attached exhibits are being submitted in further support of the Defendants' Motion in Limine and in reply to the Plaintiff's opposition submitted herein.

3. Attached hereto as "**Exhibit A**" are excerpts from the deposition of Plaintiff, Lawrence Coleman ("Coleman Tr.") dated March 16, 2017.

4. Attached hereto as "**Exhibit B**" is a Judgment entered in the matter of *James Tosner, et. al., v. Town of Hempstead and Town of Hempstead Civil Service Commission*, Index No. 19334/2001, Supreme Court of the State of New York, County of Nassau.

5. Attached hereto as "**Exhibit C**" is a disc containing five (5) audio recordings bates stamped P110-P114 exchanged by Plaintiff during the course of discovery.

6. As set forth more fully in the accompanying Memorandum of Law and the Town's moving papers, the Defendants respectfully submit that an order granting Defendants' Motion in Limine in its entirety is warranted.

Dated: Garden City, New York
December 6, 2018

/s/

Donna A. Napolitano

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